

REGULAR CITY COUNCIL MEETING
JULY 28, 1997

PRESENT

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| Don Dafoe | Mayor |
| Gayle Bunker | Council Member |
| Robert Dekker | Council Member |
| Robert Droubay | Council Member |
| Dale Roper | Council Member |

ABSENT

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| Glen Swalberg | Council Member |
| Dorothy Jeffery | City Recorder |

ALSO PRESENT

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| Neil Forster | Public Works Director |
| Alan Riding | Asst. Public Works Director |
| Richard Waddingham | City Attorney |
| Karen Johnson | City Employee |
| Greg Schafer | City Employee |
| Derin Phelps | Millard County Chronicle/Progress |
| Todd Turner | Property Owner |
| Russell Greathouse | Property Owner |
| Kent Carroll | Property Owner |
| Bryon Griffiths | City Resident |
| Scott Nickle | City Resident |

Mayor Dafoe called the meeting to order at 7:05 p.m. Karen Johnson, City Employee, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, to KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Robert Droubay offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held July 14, 1997 were presented for consideration and approval.

Council Member Robert Droubay had a question regarding the discussion on Page 8 about replacement of sidewalk, curb and gutter on Main Street. He questioned whether or not the property owners would be asked to participate with the City in the removal, as well as replacement, of sidewalk, curb and gutter. Mayor Dafoe stated that the bids received from Dutson Supply included removal, as well as replacement, of the sidewalks, curbs and gutters and that property owners would be asked to participate with the entire cost.

City Attorney Richard Waddingham requested that a correction be made on Page 5, paragraph 3, discussing Council Member Dale Roper commending the firemen who had received Firefighter I certificates. Attorney Waddingham noted that the word "their" should be inserted before "efforts" in the last line of the paragraph.

In addition, City Attorney Waddingham requested that he be allowed to review the minutes, prior to making them official, to clarify the corrections to discussion of the Municipal Energy Sales & Use Tax Ordinance.

Following discussion, Council Member Robert Droubay MOVED to approve the minutes of the July 14, 1997 Regular City Council Meeting, as corrected, pending City Attorney Waddingham's clarification of the changes requested in the discussion of the Municipal Energy Sales and Use Tax Ordinance. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. It was noted that the amount of the Accounts Payable included a check in the amount of \$79,236.22 which has subsequently been "voided". Subtracting this amount from the total leaves a balance of \$47,183.22. Following discussion, Council Member Gayle Bunker MOVED to approve the accounts payable in the amount of \$47,183.22. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

There were no unfinished business items on the agenda.

NEW BUSINESS

CITY ATTORNEY RICHARD WADDINGHAM: RESOLUTION DIRECTING PREPARATION OF AMENDMENT TO MASTER POLICY DECLARATION FOR LOVELL/TURNER ANNEXATION.

RESOLUTION NO. 97-250

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION (LOVELL/TURNER)
FOR THE PURPOSE OF PREPARING A POLICY DECLARATION RELATIVE TO THE
PROPOSED ANNEXATION TO THE CITY OF DELTA, UTAH.**

City Attorney Richard Waddingham provided a copy of the proposed Resolution No. 97-250 to each member of the City Council and explained that the purpose of the resolution is to accept, in writing, the petition and plat filed by Todd Turner and Stanton Lovell, both of which are on file in the office of the Delta City Recorder. This resolution accepts the plat and petition and will allow the proposed annexation to advance to the next step, which is preparation of a policy declaration statement involving the proposed annexation property.

Following brief discussion, Council Member Robert Droubay MOVED to adopt Resolution No. 97-250 accepting a petition for annexation (Lovell/Turner) for the purpose of preparing a policy declaration relative to the proposed annexation to the City of Delta. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

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| Gayle Bunker | Yes |
| Robert Dekker | Yes |
| Robert Droubay | Yes |
| Dale Roper | Yes |
| Glen Swalberg | Absent |

**COUNCIL MEMBER GAYLE BUNKER/RUSSELL GREATHOUSE: RECOMMENDATION
FROM PLANNING & ZONING COMMISSION CONCERNING A ZONE CHANGE FOR
PROPERTY LOCATED AT APPROXIMATELY 250 NORTH 350 EAST.**

Council Member Gayle Bunker explained that Mr. Greathouse is requesting that two parcels of property, which are located on the south side of the Old Stone Chapel, be rezoned from R-1-B (Single Family Residential) to R-4 (Multi-Family Residential). The Old Stone Chapel property is zoned R-4 (Multi-Family Residential). One parcel of property will be 82.5 feet by 100 feet and will be used for construction and operation of a dental office for Dr. Thomas Chandler. The other parcel will be 82.5 feet by 147.5 feet and will be used in conjunction with operation of the Old Stone Chapel.

Council Member Bunker reported that the Planning & Zoning Commission considered this request at a meeting held July 9, 1997 and have recommended that the City Council set a public hearing for the purpose of receiving public comment regarding the proposed zone change.

Following discussion, Council Member Gayle Bunker MOVED to set a public hearing, for the purpose of receiving public comment regarding the proposed zone change from R-1-B to R-4 on a parcel of property 82.5 feet by 247.5 feet located just South of the Old Stone Chapel at

approximately 250 North 350 East, for Monday, August 25, 1997 at 6:45 p.m. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

KENT CARROLL/BRYON GRIFFITHS: PETITION TO AMEND WHITE SAGE SUBDIVISION PLAT (UTILITY EASEMENT).

Mr. Kent Carroll provided the Council with a signed Petition to Amend White Sage Subdivision Plat. The petition requests vacation of a 14-foot utility easement consisting of the West 7 feet of Lot 15 and the East 7 feet of Lot 14, White Sage Subdivision. The petition also included Property Owners' Consent To Petition, signed by all property owners in the White Sage Subdivision.

Mr. Carroll and Mr. Griffiths explained that they are attempting to vacate this easement so that Lots 14 and 15 can be combined in order to construct a home in the center of the two combined lots. Public Works Director/Zoning Officer Neil Forster advised the Council that the recorded White Sage Subdivision Plat states on the front that, unless otherwise noted, there is a 7 foot utility easement on each side lot. Therefore, there is a 7 foot utility easement on each side of the lots, even though it is not shown on the plat. There is also a 14 foot utility easement on the back of the lots.

City Attorney Waddingham recommended that, in order to comply with State statutes, the Council set a public hearing to receive public comment regarding the proposed utility easement vacation, even though signatures have been obtained by all property owners in the White Sage Subdivision consenting to the vacation. It was determined that wording could be included, in the deed transferring ownership, referring to the vacation of the easement.

Following discussion, Council Member Gayle Bunker MOVED to set a public hearing on August 11, 1997 at 6:50 p.m. for the purpose of receiving public comment regarding the proposed vacation of a utility easement located on the West 7 feet of Lot 15 and the East 7 feet of Lot 14, White Sage Subdivision. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: BID SPECIFICATIONS FOR FRONT END LOADER.

Public Works Director Neil Forster advised the Council that he and Assistant Public Works Director Alan Riding had made a trip to Salt Lake City for the purpose of looking at and driving three different brands of loader prior to putting together the proposed bid specifications. Mr. Forster explained that the bid specifications set forth are for the loader which he and Mr. Riding feel is needed to do the job they would like to do now and in the future, as Delta City grows. The specifications are for a fairly large loader, with a 2½ yard bucket and also a clam shell type

bucket. This loader would be more versatile and more useful in clean up applications, as well as gravel and road work. There is \$100,000 budgeted for acquisition of a loader.

Council Member Robert Dekker questioned whether this equipment would replace any existing equipment. Mr. Forster indicated that this loader would be in addition to all existing equipment. At this time, the largest loader Delta City has is a 680 with a 7/8 yard bucket, which takes approximately 10-11 trips in order to load a dump truck. The new front end loader would be used on a continuing basis with all of the curb and storm drain projects which are being done, for loading road base from the pit, and also for snow removal.

Following lengthy discussion, Council Member Gayle Bunker MOVED to approve the bid specifications, as prepared, and instruct Public Works Director Neil Forster to send out specifications for invitational bid; with the Bid Opening to be held on Friday, August 8, 1997 at 4:00 p.m. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: HIRING OF ANIMAL CONTROL OFFICER

Mayor Dafoe noted that funds have been budgeted for hiring an animal control officer. There was lengthy discussion as to whether Delta City should hire someone on a contract basis or whether it should be a part-time City employee. It was determined that the animal control officer would be responsible for answering all animal complaint calls, issue citations, and patrol for stray animals. City Attorney Richard Waddingham advised the Council that this position would need to be a city employee, rather than an independent contractor, in order to give them enforcement power and authority to issue citations.

Delta City would provide this person with a pager, at a cost of approximately \$90.00 and will come with an 800 telephone number for calls, which would cost approximately \$9.00 per month. Delta City will also provide a radio and vehicle.

There was extensive discussion regarding the positive and negative aspects of making this a contract position or part time employee position. It was determined that it would be important to have the animal control officer covered under Workman's Compensation, which would necessitate making the position a part time employee. Attorney Waddingham reiterated his concern that this person needs to be an employee, rather than independent contractor, in order to be given enforcement powers.

Mayor Dafoe mentioned that he had talked to Millard County Sheriff Ed Phillips about Delta City budgeting funds to hire an animal control officer. Sheriff Phillips felt that the best situation would be to hire a full time person for animal control in West Millard County, including all towns and outlying areas, with each community and Millard County contributing to the funding of the position.

It was determined by the Council that a job description should be written and the position should be advertised as a part time position with Delta City. Hiring of an individual to fill the position will be done by the Mayor, Public Works Director and Asst. Public Works Director, and should be done as soon as possible. The Council felt that we need to be flexible during the first year and keep good records of hours worked, calls responded to, patrol time, etc., in order to be more knowledgeable in budgeting for the position next year.

MAYOR DON DAFOE: BIDS FOR MARQUEE.

Mayor Dafoe stated that bids were requested and received from three sign companies. He then turned the time over to Council Member Robert Droubay, who has been working on the marquee project. Council Member Droubay informed the Council that, prior to this Council Meeting, he had met with representatives of Nickle Mortuary, Brush Wellman, Intermountain Power Service Corp., Zions Bank, and First Security Bank, all of whom are major contributors to the marquee.

Council Member Droubay advised the Council that three bids have been received for the marquee. The three bids are as follows:

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| Bona Signs | \$ 27,442.48 + \$1,500 for computer |
| Young Electric Sign | \$ 35,073.00 |
| Mindscape Art & Frame | \$ 40,600 |

These signs are double reader boards (they can be read from both sides); the Bona sign is 4' by 10' in the reader area with characters. It was previously decided that the bid would be awarded on a tentative basis pending viewing of signs which are being proposed.

Council Member Droubay recommended that the bid from Bona Signs be accepted with the additional \$1,500 for the computer to operate the sign, for a total bid price of \$28,942.48. This is an installed price, with Delta City providing power to the site. Bona Signs will train personnel in using the software and also in bulb replacement. Council Member Droubay advised the Council that we currently have received \$12,500 in contributions for the sign, with an additional \$2,000 pledged but not yet received, and Millard County School District will be making a contribution.

There was some discussion regarding a site for the marquee. Mayor Dafoe suggested the corner by the Fire Department. The property is owned by the Millard County Fire District but it was felt that there would be no problem getting an easement from the Fire District for the sign.

Mayor Dafoe suggested that Greg Schafer be assigned as the person to operate the sign and also suggested that some guidelines be drafted as to acceptable information to be listed on the sign.

Following discussion, Council Member Robert Droubay MOVED to accept the bid from Bona Signs in the amount of \$28,942.48, pending a visit to see the sign they have proposed for Delta City. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if

there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: AGREEMENT TO PURCHASE PROPERTY FROM HELEN BARNEY.

Mayor Dafoe advised the Council that this agreement is for purchase of property adjacent to the North side of the existing City maintenance yard for the amount of \$10,000. An agreement was drafted by City Attorney Richard Waddingham and given to the Barney family for signature. Mayor Dafoe talked with Mrs. Barney's son-in-law, John Nickle, who informed him that Mrs. Barney has signed the agreement. At this time, we do not have the agreement for signature, but Mayor Dafoe would like approval from the Council for him to sign the agreement, on behalf of Delta City, when the agreement is received from Mrs. Barney. The property is approximately one acre, with a 120 foot frontage, and consists of a vacant lot between the City maintenance yard and Mrs. Barney's home. The funds for purchase of the property will be taken one-third from the water fund, one-third from the sewer fund, and one-third from the streets fund. These funds were put into the 1997-1998 budget.

Following discussion, Council Member Gayle Bunker MOVED to authorize Mayor Dafoe to sign the purchase agreement for purchase of property from Mrs. Helen Barney, when it is received from the Barney family, in the amount of \$10,000. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Council Member Dale Roper advised the Council that he has contacted the Millard County Fire District regarding the possibility of paving the parking lot on the South side of the new Fire Department building. They agreed to pay for asphalt if Delta City will pay for the sidewalk, curb and gutter, but requested that it be done during the remainder of this year.

City Attorney Richard Waddingham advised the Council that, during the meeting, he has done some further research regarding the proposed amendment to the White Sage Subdivision Plat, as requested earlier in the meeting by Kent Carroll and Bryon Griffiths. At this time, Attorney Waddingham advises that the amendment be accomplished by Administrative Order of the Mayor.

Mayor Dafoe asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was seconded by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 8:55 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 08-11-97